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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,420	04/21/2004	Jay S. Walker	98-004-C3	9119
22927	7590	11/26/2004	EXAMINER	
WALKER DIGITAL FIVE HIGH RIDGE PARK STAMFORD, CT 06905			SAGER, MARK ALAN	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	Application No.	Applicant(s)
	10/829,420	WALKER ET AL.
	Examiner M. A. Sager	Art Unit 3714

All participants (applicant, applicant's representative, PTO personnel):

(1) M. A. Sager.

(3) J. Jurasch

(2) M. Fincham.

(4) \_\_\_\_\_.

Date of Interview: 18 November 2004.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 27.

Identification of prior art discussed: Towson, Weiss, Golden Palace.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Counsel requested interview to assert patentability over art for proposed claimed invention (6 pages attached).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
**DERRIS N. BANKS**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 3700  
  
 Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**PROPOSED AGENDA FOR REQUESTED TELEPHONE  
INTERVIEW**

**RE: Application No. 10/829,420**

**To: Examiner Sager**

**From: Magdalena Fincham (203) 461 – 7041**

Applicants propose discussing the rejection of Independent Claim 27 during the interview. Claim 27, with proposed amendments, is reproduced below:

27. (Proposed Amendment) A method comprising:

receiving, before a player ends a gaming session at a gaming device, a request for monetary output at the gaming device;

determining an amount associated with the request;

determining an available balance of credit available to a player for wagering at the gaming device, from which available balance the amount is to be provided,

wherein the available balance of credit is a balance resulting from the player providing the gaming device with monetary input, and further

wherein the amount associated with the request is less than the available balance.

In Summary, two limitations of the above claim are not suggested by any of the references of record.

1. Rejection based on Towson:

Towson does not teach the following features of claim 27:

- *determining an available balance of credit available to a player for wagering [from which balance the player may request monetary output in an amount that is determined to be less than the balance]*

First, Towson does not teach a player requesting an amount of monetary output from a credit balance that is available to a player for wagering, much less doing so wherein the amount of monetary output is an amount that is less than the available balance. In Towson, a balance of credit available to a player for wagering is tracked via indicator 22. See, for example, page 3, lines 60 through 67. An amount of player winnings is tracked in a distinct meter 25. Thus, in Towson, a balance of the credits available to a player for wagering tracked via indicator 22 is distinct from a balance of winnings accumulated by the player that is tracked via indicator 25. During play, portions of a player's winnings balance 25 may be transferred from one player to another. See, for example, page 2, lines 98 – 102. Thus, Towson only describes transferring portions of the winnings balance 25 and does not describe determining a portion of the balance that is available to a player for wagering (i.e., the balance of credits tracked via indicator 22).

Second, even if the balance of winnings were interpreted as a balance of credit available to a player for wagering (which interpretation, Applicants respectfully submit, is not supported by the disclosure of Towson), Towson does not describe or enable a player *requesting* a portion of the balance of

winnings to be dispensed. Rather, Towson describes transferring a portion of winnings from one player's balance of winnings to another player's balance of winnings based on occurrences during game play (e.g., an occurrence of a symbol). See, for example, page 2, line 116 through page 3, line 32. A transfer of a portion of one player's balance of winnings to another player's balance of winnings in Towson is not in any way based on a player's request.

2. Rejection based on Golden Palace Online Casino

Golden Palace Online Casino does not teach or suggest the following claim limitation of claim 27:

- *receiving, before a player ends a gaming session at a gaming device, a request for monetary output at the gaming device*

First, the Golden Palace Online Casino references do not describe receiving a request for monetary output, the amount being less than an available credit balance that is available to a player for wagering, *before a player ends a gaming session at the gaming device*.

Second, the Golden Palace Online Casino references do not describe or enable such a player request being a request for monetary output *at the gaming device*. The Examiner has interpreted the gaming device to be the computer used by a player to play at the online casino (see Office Actions in parent cases). The Golden Palace Online Casino references describe providing payment to a player by crediting a credit card account, wiring the money to the player, or mailing a check to the player. None of these methods comprise providing monetary output *at the gaming device*. Further, a personal computer is not capable of providing monetary output *at the personal computer*.

### 3. Rejection Based on Weiss

Weiss does not teach or suggest the following feature that has been added to claim 27 to clarify an embodiment of the present invention:

- *determining an available balance of credit available to a player for wagering [from which balance the player may request monetary output in an amount that is determined to be less than the balance]... wherein the balance of credit is a balance that is a result of the player providing the gaming device with monetary input*

Weiss merely describes a cashless gaming system in which a player may establish an electronic account and transfer a portion of the funds from the account to a gaming device. See, for example, Abstract and Col. 3, lines 6 – 10. However, Weiss does not describe receiving a request from a player for monetary output in an amount that is less than an available balance of credit available to a player for wagering, wherein the balance [from which the amount is to be output] is established by providing the gaming device with monetary input.

## CONCLUSION

Applicants look forward to discussing the above arguments with the Examiner during the telephone interview scheduled for Thursday, November 18, 3pm.

Respectfully submitted,

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